

Tuesday, September 23, 2008

House Meets At...	Votes Predicted At...
9:00 a.m. For Morning Hour 10:00 a.m. For Legislative Business Unlimited "One Minutes" Per Side	Last Vote: 7:00 – 8:00 p.m.

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 1476 – Rule providing for consideration of H.R. 5244 – The Credit Cardholders’ Bill of Rights Act of 2008 (Rep. Welch -Rules):**
The closed rule provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Financial Services. The rule provides one motion to recommit the bill with or without instructions. Debate on the rule will be managed by Rep. Welch, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H.R. 5244 – The Credit Cardholders’ Bill of Rights Act of 2008 (Rep. Maloney – Financial Services):** Pursuant to the rule, debate on the bill will be managed by Financial Services Committee Chairman Rep. Barney Frank, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Possible debate and vote on a Republican motion to recommit the bill. **Democrats are urged to vote no.**
 - Vote on final passage of the bill. **Democrats are urged to vote yes.**

- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage.
1. **H.R. 6984** - The Federal Aviation Administration Extension Act of 2008, Part II (Rep. Oberstar – Transportation and Infrastructure/ Ways and Means)
 2. **H.Res. ___** - Recognizing the 150th anniversary year of the founding of Macy's, Inc. as an American entrepreneurial success story and the role Macy's Inc. plays in supporting America's small businesses and vendors (Rep. Chabot – Small Business)
 3. **H.R. 5443** - United States-Republic of Korea Defense Cooperation Improvement Act of 2008 (Rep. Royce – Foreign Affairs)
 4. **H.R. 6646** - To require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan (Rep. Ros-Lehtinen – Foreign Affairs)
 5. **H.Con.Res. 255** - Expressing the sense of Congress regarding the U.S. commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated (Rep. Ferguson – Foreign Affairs)
 6. **H.Res. 1227** - Condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence (Rep. Maloney – Foreign Affairs)
 7. **H.Res. 1314** - Remembering the 75th anniversary of the Ukrainian Famine of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy (Rep. Levin – Foreign Affairs)
 8. **H.Res. 1402** - Supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh (Rep. Crowley – Foreign Affairs)
 9. **H.Res. 1435** - Recognizing the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass (Rep. Hodes – Foreign Affairs)
 10. **H.Res. 1451** - Tom Lantos Human Rights Commission Establishment Resolution (Rep. McGovern – Foreign Affairs)

11. **H.Res. 1461** - Recognizing the Tenth Anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, Kenya and Tanzania whose lives were lost or who were injured as a result of these attacks (Rep. Scott (GA) – Foreign Affairs)
12. **H.Con.Res. 371** - Strongly supporting and immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes (Rep. Wexler – Foreign Affairs)
13. **H.Res. 1361** - Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism (Rep. Berman – Foreign Affairs)
14. **H.Res. 1369** - Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians (Rep. Lee – Foreign Affairs)
15. **H.Con.Res. 374** - Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response (Rep. Wamp – Foreign Affairs)
16. **H.R. 5834** - North Korean Human Rights Reauthorization Act of 2008' (Rep. Ros-Lehtinen – Foreign Affairs)
17. **H.R. 758** - The Breast Cancer Patient Protection Act of 2007 (Rep. DeLauro – Energy and Commerce)
18. **H.R. 6908** - The Health Insurance Source of Injury Clarification Act of 2008 (Rep. Burgess – Energy and Commerce)
19. **H.R. 6469** - The Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008 (Rep. DeGette – Energy and Commerce)
20. **S. 1760** - The Healthy Start Reauthorization Act of 2007 (Sen. Brown – Energy and Commerce)
21. **H.R. 1532** - Comprehensive Tuberculosis Elimination Act of 2007 (Rep. Gene Green (TX) – Energy and Commerce)
22. **H.R. 2994** - National Pain Care Policy Act of 2007 (Rep. Capps – Energy and Commerce)

23. **H.R. 5265** - Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2008 (Rep. Engel – Energy and Commerce)
24. **H.R. 6901** - Meth Free Families and Communities Act (Rep. Hooley – Energy and Commerce)
25. **H.R. 2583** - Physician Workforce and Graduate Medical Education Enhancement Act of 2007 (Rep. Burgess – Energy and Commerce)
26. **H.Res. 1042** - Supporting the We Don't Serve Teens Campaign (Rep. Bono Mack – Energy and Commerce)
27. **H.Con.Res. 393** - Supporting the Goals and Ideals of National Sudden Cardiac Arrest Awareness Month (Rep. Pickering – Energy and Commerce)
28. **H.Res. 988** - Designating the month of March 2008 as "MRSA Awareness Month" (Rep. Matheson – Energy and Commerce)
29. **H.Res. 1381** - Expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States (Rep. Roybal-Allard - Energy and Commerce)
30. **H.R. 1014** - Heart Disease Education, Analysis Research, and Treatment for Women Act (Rep. Capps – Energy and Commerce)
31. **H.R. 6353** - Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Rep. Stupak – Energy and Commerce)
32. **H.R. 6983** - Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Rep. Kennedy – Energy and Commerce)
33. **H.R. 4544** - Code Talkers Recognition Act of 2008 (Rep. Boren – Financial Services)
34. **H.R. 6950** - Stephanie Tubbs Jones Gift of Life Medal Act of 2008 (Rep. Stark – Financial Services)
35. **H.R. 3018** - Family Self-Sufficiency Act of 2007 (Rep. Biggert – Financial Services)
36. **H.R. 6894** - Defense Production Act Extension and Reauthorization of 2008 (Rep. Gutierrez – Financial Services)
37. **H.R. 6965** – To extend the authorization of the national flood insurance program (Rep. Frank – Financial Services)
38. **H.Res. ____** – Recognizing the 35th Anniversary of Atlantik-B Young Leaders Conference (Rep. Campbell – Financial Services)

39. **H.R. ____** - Native American Housing Assistance and Self Determination Act Reauthorization (Rep. Frank – Financial Services)

• **Postponed Suspension Votes:**

1. **H.R. 6897** - Filipino Veterans Equity Act of 2008 (Rep. Filner – Veterans' Affairs)
2. **H.R. 160** - Revolutionary War and War of 1812 Battlefield Protection Act (Rep. Holt – Natural Resources)
3. **H.R. 2933** - Civil War Battlefield Preservation Act of 2008 (Rep. Gary Miller (CA) - Natural Resources)
4. **H.R. 4828** - Palo Alto Battlefield National Historical Park Boundary Expansion and Redesignation Act of 2008 (Rep. Ortiz – Natural Resources)
5. **S.J.Res. 45** - Great Lakes-St. Lawrence River Basin Water Resources Compact (Sen. Levin - Judiciary)
6. **H.R. 5352** - Elder Abuse Victims Act of 2008 (Rep. Sestak - Judiciary)
7. **H.R. 642** – Honorable Stephanie Tubbs Jones College Fire Prevention Act (Reps. Tubbs Jones (OH)/Clyburn - Education and Labor)
8. **S. 2606** - To reauthorize the United States Fire Administration, and for other purposes (Sen. Dodd – Science and Technology)
9. **H.R. 6323** - To establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes (Rep. Sensenbrenner – Science and Technology)

Bill Summary and Key Issues

H.R. 5244 – The Credit Cardholders' Bill of Rights Act of 2008

Ending Unfair, Arbitrary Interest Rate Increases

Problem: Credit card issuers can arbitrarily raise interest rates, even on customers who pay on time and don't go over their credit limit. Fine print in most card agreements allows rate increases for reasons completely unrelated to a customer's use of the card – such as a decline in their credit score, using most of

their credit line, default on a different debt, or even “general economic conditions.” These increases apply to existing balances as well as future purchases, driving up debt burdens and making it much harder for consumers to pay their bills. The Federal Reserve has concluded that allowing companies to raise rates on existing balances – retroactively changing the deal – is unfair and deceptive, anticompetitive, and stops the forces of the free market from working to reduce rates.

Solution:

The bill prevents card companies from unfairly increasing interest rates on existing card balances – retroactive increases are permitted only if a cardholder is more than 30 days late, if a promotional rate expires, or if the rate adjusts as part of a variable rate.

If a consumer becomes more risky, a card company can charge them more for new credit or reduce their line of credit, but the consumer can pay off the old balance at the previous rate.

The bill also requires card companies to give 45 days notice of *all* interest rate increases so consumers can pay off their balances and shop for a better deal.

Giving Consumers Control Over Credit Limits, Ending Excessive “Over-the-Limit” Fees

Problem: Most card companies currently don’t give cardholders the option of setting real limits on their own accounts. Instead, the companies decide what a cardholders’ limits should be, allow them to exceed those limits, then hit them with fees and/or rate increases for doing so. Most card companies penalize cardholders who spend beyond their credit ceiling by hitting them repeatedly with “over-the-limit” fees averaging \$39 each.

Solution:

Requires companies to let consumers set their own fixed credit limit.

Prevents companies from charging “over-the-limit” fees when a cardholder has set a limit, or when a preauthorized credit “hold” pushes a consumer over the limit.

Limits (to 3) the number of over-the-limit fees companies can charge for the same transaction – some issuers now charge virtually unlimited fees for a single limit violation.

Ending Unfair Penalties for Cardholders Who Pay on Time

Problem: “Double-cycle billing” is a confusing practice some companies employ to unfairly boost interest charges. If a consumer does not pay off a bill in full in a given cycle, the company charges interest on the *entire balance* from the previous cycle, even if the cardholder paid part of it off. Card companies can also slap fees or charge interest on residual interest-only balances of cardholders who pay in full and on time. Cardholders usually don’t realize this remaining interest

exists and are surprised when they get a hefty late fee or rate increase for not paying it off.

Solution:

Ends unfair “double cycle” billing – card companies can’t charge interest on debt consumers have already paid on time.

If a cardholder pays on time and in full, the bill prevents card companies from piling additional fees on balances consisting solely of left-over interest.

Requiring Fair Allocation of Consumer Payments

Problem: Card companies benefit – and cardholders lose – when cardholders pay off lower-rate balances and let higher-rate balances accrue more interest. Currently most companies allocate payments to lower-rate balances first, and consumers have little say in the matter. The Federal Reserve concluded it was unfair and deceptive to prevent cardholders from paying off any of their high rate balances .

Solution:

The bill generally requires payments to be allocated proportionally to balances that have different rates, so consumers have a chance to pay down their high-rate debt.

Protecting Cardholders from Due Date Gimmicks

Problem: Currently, card companies are allowed to mail billing statements 14 days before the due date. Mail delays and other problems can leave cardholders with less than a week to get their payment back to their card company, increasing the likelihood of a payment being declared “late” and being hit with a hefty late fee and a retroactive rate increase.

Solution:

The bill requires card companies to mail billing statements 25 calendar days before the due date (up from the current 14 days), and to credit as “on time” payments made before 5 p.m. local time on the due date.

Stopping Companies from Using Misleading Terms and Damaging Consumers’ Credit Ratings

Problem: Card companies can currently define the terms “fixed rate” and “prime rate” pretty much as they wish. This can lead to confusion among cardholders and prevents fair competition. In addition, some card companies report cards to credit bureaus before consumers have formally accepted the cards, which can adversely affect their credit reports.

Solution:

Establishes standard definitions of terms like “fixed rate” and “prime rate” so companies can’t mislead or deceive consumers in marketing and

advertising.

Gives consumers who are pre-approved for a card the right to reject that card prior to activation without negatively affecting their credit scores.

Protecting Vulnerable Consumers From High-Fee Subprime Credit Cards.

Problem: Subprime credit cards are marketed to people with poor credit histories and who may have trouble getting a regular credit card. In addition to high interest rates, these cards have hefty fixed fees that often exceed 25 percent of the available credit. Many companies now charge those fees to the card itself, so that before the consumer even makes a purchase, they are in debt and have consumed a large portion of their credit line.

Solution:

The bill prohibits issuers of subprime cards (where total yearly fixed fees exceed 25 percent of the credit limit) from charging those fees to the card itself.

Protecting Vulnerable Minors

Problem: Card companies increasingly market cards to minors who are ill-prepared to use them, which can place these new consumers in a downward debt spiral before they're even old enough to vote.

Solution:

The bill prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated minors.

Quote of the Day

"I only regret that I have but one life to give for my country."

- Nathan Hale

The Office of the House Majority Whip | H-329 The Capitol |
Washington, DC 20515 | p. (202)226-3210 | f. (202)225-9253